

REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims supersedes any previous listing. Favorable reexamination and reconsideration are respectfully requested in view of the preceding amendments and the following remarks.

Priority

The issue the examiner is attempting to raise is not clear. This instant application is a CIP and therefore contains new matter. If there is an enablement issue to be raised, the examiner is requested to clarify the same.

Drawings

The drawings are such as to show all of the claimed structure. More specifically, Fig. 2 has been amended via the addition of labels which facilitate the understanding of the relationship between the claimed elements and the illustrated structure. The addition of a black box in the control portion 21 which is labeled "fraction control device" is seen as obviating the last remaining issue raised in this Office Action.

Rejections under 35 USC § 112

In regard to the first rejection of claims 1-6 under 35 USC § 112 second paragraph, claim 1 has been amended to include the subject matter of claim 2.

In regard to the second rejection of claims 1-6 under 35 USC § 112 second paragraph, the Examiner's position is that the claims fail to point out and distinctly claim the subject matter

the applicant regards as the invention in that there is confusion between the disclosed embodiment and the disclosure is such that at least one of the claimed elements (e.g. the setting device) appears to be drawn to both the operating portion 22 and/or the control portion 21). The applicants is unaware of any requirement under § 112 that there be a one-to-one correlation between claimed elements and elements of the disclosed embodiment. Clearly, this rejection is not based on claim language or claim clarity but confusion on behalf of the Examiner with respect to some aspects of the specification. For example, attention is called to the fact that the Examiner is of the opinion that paragraph [0042] does not recite which structure of the device carries out the process of adding A(0) and A(1) together.

Applicant submits that the claims are clear and distinct. As noted above, neither the first or second paragraph under 35 U.S.C. 112 require that a clear one-to-one relationship be exhibited between the claims and the specification. Perhaps the Examiner is confused with the sixth paragraph.

In connection with the position that it is unclear how the adding of the data ((A0), (A1)) is carried out, the claims are not intended to "explain" details of a procedure - SRI International v. Matsushita Electric Corp., "Specifications teach. Claims claim." 1985. M.P.E.P. § 2164.01. Thus, if it is an enablement issue that the Examiner has in mind, it is submitted that the process of adding to sets of data such as illustrated in Fig. 6 is so within the purview of a person of skill in this particular art as to not warrant any

disclosure/details.

In connection with claim 2 that terminology "along a passage of time", this terminology is deleted.

Claim Amendments

In this response, claim 1 has been amended via the inclusion of the subject matter of claim 2 along with the limitation calling for a flow path branch portion and other limitation. Support for this flow branch portion limitation is found in Fig. 2 at element 9 and paragraph [0031] of the pre-grant publication.

It is submitted that none of the cited references which have been applied against the claim teaches or suggests this type of structure. Indeed, the Stevens reference teaches a flow circuit has to flow through both of the monitors 32 and 34 before arriving at the fraction collector 36. This serial arrangement should be compared with the parallel arrangement illustrated in Fig. 2 of the instant application.

Rejections under 35 USC § 103

The rejections of claims 1-5 under 35 USC § 103(a) as being unpatentable over JP'251A in view of Stevens; or JP'251A in view of Windig; or JP'251A in view of Watanabe; or JP'251A in view of SACKS; are respectively respectfully traversed. Further, the rejections of claims 1-6 under 35 USC § 103(a) as being unpatentable over Bateman; or Bateman in view of Windig; or Bateman in view of Watanabe; or Bateman in view of Sacks; are also traversed.

More specifically, JP'251A and Bateman disclose a mass spectrometer coupled to a liquid chromatograph, wherein ion detection modes can be controlled. However, as stated in the Action, the operation device of the invention is not disclosed in JP'251A nor Bateman.

As noted above, Stevens is such as to disclose two monitors along with chromatograph. However, the only arrangement which is disclosed is that the two monitors are arranged serially so that the flow is monitor 1 -> monitor 2 -> separation/collection device. Thus, the timing with which the eluted fractions are separated and collected is fundamentally different from that claimed.

The Windig et al. reference is such that while summation of the chromatogram is disclosed, it is not provided with a detector which, at the same time with the same sample can detect the different fractions. Further, the separation/collection timing is not disclosed.

Watanabe discloses a GC/MS arrangement wherein TIC is included. However, the separation/collection is not disclosed.

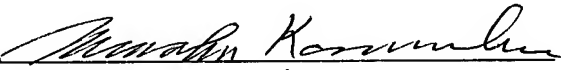
Sacks et al. discloses a GC chromatograph arrangement, however collection of the different eluted fractions from the chromatograph column is not disclosed.

As noted above, claim 1 has been amended in a manner which calls for structure which cannot be distilled from any of the references applied against the claims in this Office Action.

Conclusion

It is respectfully submitted that the claims as they have been amended and newly presented are allowable over the art which has been applied in this Office Action. Favorable reconsideration and allowance of this application are courteously solicited.

Respectfully submitted,

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